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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/525,041	06/22/2005	Jurgen Hceseman	P26812	5733
7055 7590 01/03/2007 GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191			EXAMINER MULLER, BRYAN R	
			ART UNIT 3723	PAPER NUMBER
			NOTIFICATION DATE 01/03/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com
pto@gbpatent.com

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/525,041	Applicant(s) HEESEMAN, JURGEN	
	Examiner Bryan R. Muller	Art Unit 3723	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 07 December 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

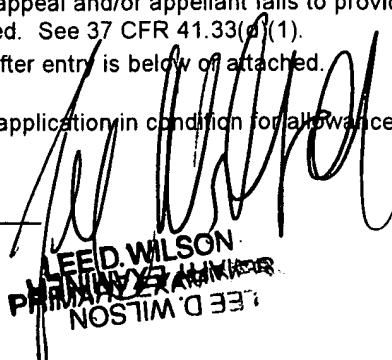
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: 12.
- Claim(s) objected to: _____.
- Claim(s) rejected: 1-5, 7, 9, 11, 13 and 16-20.
- Claim(s) withdrawn from consideration: 6, 8, 10, 14 and 15.

AFFIDAVIT OR OTHER EVIDENCE

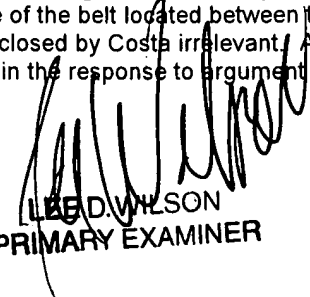
8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____


 FRED WILSON
 PRIMARY EXAMINER
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Continuation of 11. does NOT place the application in condition for allowance because: The examiner maintains all of the rejections made in the Final Rejection made on 9/7/2006. In response to the applicant's main points of argument, the combination of Costa and Herchenrider, rejecting claims 1-4, 7, 13, 16, 17 and 20 does provide various regions of the abrasive to be alternately pressed onto a work piece independently of the oscillating movement. It is clear from the disclosure of Costa that the rotation of the drums and belt, which when combined with Herchenrider also provides the alternating motion of the activating regions, is caused by motor (44) which is operated independently of the motor (50) which causes the oscillating movement. Therefore, the oscillating movement or the rotational movement and alternating activation of various regions of the abrasive may be operated while the other of the two is inactive, thus making the activation of various regions independent of the oscillating movement. In reference to the combination of Miller and Costa, rejecting claims 1, 2, 4, 5, 7, 9, 11, 13 and 16-19, the applicant's first argument, referring to the soft core or body portion (28) appears to be referring to the disclosure of Herchenrider and not Miller, thus making the argument irrelevant. Further, the applicant makes several argument based on the assumption that the sanding occurs at the bottom of lower contact roller 24, as disclosed by Costa. However, the examiner's combination of Miller and Costa provides Miller as the base reference and the teaching of Costa merely to provide oscillating movement to the belt and rollers of Miller. Therefore, the sanding would occur at the face of the belt located between the two rollers, as disclosed by Miller, also making the arguments referring to the lower sanding location disclosed by Costa irrelevant. All of the other arguments made in the response and amendments filed 12/7/2006 have been addressed in the response to argument made in the previous rejections, thus the examiner maintains the rejections.



LEE D. WILSON
PRIMARY EXAMINER